

Martha G. Bronitsky, SBN 127583
Chapter 13 Standing Trustee
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re

Tracy Franklin Davenport

debtor(s)

Chapter 13 Case No. 18-41674-CN 13

**JOINT PREHEARING STATEMENT FOR
TRUSTEE'S OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS**

HEARING DATE: September 25, 2018
HEARING TIME: 1:30 pm
LOCATION: Courtroom 215

Nima Ghazvini, Staff Attorney for Martha G Bronitsky, Chapter 13 Trustee met and conferred with Matt Spielberg on September 13, 2018. Remaining issues:

1. Mortgage claims mis-classified in the plan: should be provided for as Class 1 claims in Section 3.07
2. Plan is unfeasible: Debtor cannot afford mortgage payments
3. AMEX provided for as a secured creditor in Section 7.01, but not provided for as a Class 2 claim in Section 3.08
4. Eden Jewelry's claim in Section 7.02 lacks a payment date
5. Violation of General Order 34: failure to make post-petition direct mortgage payments

1 Debtor has now provided the Trustee with all applicable tax returns. However, Debtor has not made
2 post-petition mortgage payments since the case was filed. According to Mr. Spielberg, Debtor intends to
3 sell the property shortly. Mr. Spielberg believes Debtor may have a buyer in the next couple of weeks.
4 Trustee will object to confirmation of a plan unless Debtor is current on post-petition debt obligations to his
5 mortgage creditor. Upon obtaining a buyer, Debtor will file a motion to sell the property. Mr. Spielberg's
6 investigation has found that AMEX does not have a lien against Debtor's property and Eden Jewellery's
7 claim will be paid with real estate sale proceeds.

8 OTHER OBJECTING PARTIES: Wells Fargo Bank (Doc. #27); HSBC/Wells Fargo Bank (Doc. #27)

9 Date: September 17, 2018

/s/ Nima Ghazvini

Signature of Nima Ghazvini
Staff Attorney for Martha G. Bronistky

1 In re

2 Tracy Franklin Davenport
3 debtor(s)

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4 CERTIFICATE OF SERVICE

5 I HEREBY CERTIFY that I have served a copy of the within and foregoing document on the
6 debtor (s), counsel for debtor (s), and if applicable, the creditor, creditor representatives and the
7 registered agent for the creditor by depositing it in the United States mail with first class
8 postage attached thereto.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Tracy Franklin Davenport
12 20120 Summer Glen Pl
13 Castro Valley, CA 94552-5341

(Debtor(s))

Matthew M Spielberg Atty
21855 Redwood Rd
Castro Valley, CA 94546

(Counsel for Debtor)

14 Date: 9/17/2018

15 /s/ Colleen Cazadamont
16 Colleen Cazadamont